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MOTION

COMES NOW, Michael G. Malaier, the Chapter 13 Trustee and alleges as follows:

1. Debtors filed this case on **February 16, 2018**. The case was confirmed by order of the Court on **April 21, 2018**.
2. Pursuant to the confirmed plan, Debtors are required to make plan payments of **\$1,915.35** bi-weekly. Debtors are presently delinquent in plan payments in the amount of **\$18,131.34**, supported by the Declaration filed herewith.
3. Debtors have failed to provide the Trustee with a copy of their 2018 tax return.
4. Debtors have defaulted under the terms of the Plan as follows: § 1307(c)(1) unreasonable delay by the debtor that is prejudicial to the creditors, § 1307(c)(6) failure to remit plan payments.

WHEREFORE the Trustee prays that this case be dismissed and closed.

DATED this 31st day of May, 2019 at Tacoma, Washington.

/s/ Matthew J.P. Johnson
Matthew J.P. Johnson, WSBA# 40476 for
Michael G. Malaier, Chapter 13 Trustee

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8 **IN THE UNITED STATES BANKRUPTCY COURT FOR THE**
9 **WESTERN DISTRICT OF WASHINGTON AT TACOMA**

10 In re:

11 JENIFER LEE CAREY and
12 MARIO DARREN CAREY,

13 Debtors.

Case No.: 18-40496-MJH

PROPOSED
ORDER DISMISSING CHAPTER 13 CASE

14 **THIS MATTER** having come before the Court on the Trustee's Motion to Dismiss, due
15 notice of hearing having been given to the Debtors and the attorney for the Debtors; the Debtors
16 having not otherwise responded or appeared, the Court having reviewed the motion and being
17 fully advised in the premises, IT IS HEREBY
18

19 **ORDERED** that any funds being held by the Trustee shall be applied to the filing fee,
20 with any remaining balance returned to the Debtors; it is further

21 **ORDERED** that upon dismissal or conversion, any refund shall be payable to the
22 Debtors and may be forwarded to the Debtors through the attorney's office per 11 U.S.C.
23 349(b)(3); it is further
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ORDERED that the above-captioned case be dismissed effective on the date of this Order and the Trustee is directed to administratively close this case and issue Trustee's Final Report to creditors.

///End of Order///

Presented by:

Mathew S. LaCroix, WSBA# 41847 for
Michael G. Malaier, Chapter 13 Trustee